TOO READY TO OBLIGE.

NUED FROM EIGHTH PAGE.]

the had acknowledged bimself to be the Duffy" of the letters when he accosted ite and that he was a teacher of ution, but declined saying where he was engages. The magnificate's own coachman declared that he had known the defondant seventeen years, and Alderman-elect Murphy, of the Fourth district, youthed for his good repute. On this Justice Smith paroled him for two weeks to look up his friend Phil Duffy, and have him called to account for getting him into such a mess.

THE COURTS.

INVESTIGATING MORRIS BASS' "MICROSCOPIC

CHARMS." An indictment, as will be remembered, was recently found by the General Sessions Grand Jury against Morris Bass, charging him with selling indeent pictures, commonly known as photographs or aicroscopic charms. Judge Dittenhoefer, one of defendant's counsel, moved yesterday before Judge Gildersleeve to quash the indictment on various grounds. Judge Gildersleeve intimated that he had grave doubts as to the sufficiency of the indictment, but would deny the motion, as the same suggestions could come up on a motion in arrest of judgment.

The prosecution-called Anthony L. Comstock, who testified substantially that on the 9th of August, 1875, he went to the defendant's place and ordered some of these charms. After a rigid cross-examination of this witness as to the identity of the charms stated by the witness to have been taken from the defendant, the prosecution rested. The defence then called Messrs. Joseph Rosenthia, Jacob Reckendorfer, Bainbridge and Willy Wallach, all merchants of New York, who testified that the defendant always had a very excellent character. Defendant's counsel then moved that the Court direct an acquittal of the defendant on the second and third counts on the ground that there was no evidence whatever to sustain them; the second count charging the defendant with having in his possession an indecent picture for the purpose of selling, and the third count with having an indecent article for the same purpose. The Court granted the motion, thus leaving Bass to be treed only on the first and fourth counts, relating to the microscopic charms. The Court here adjourned until Monday, when the case will be summed up. Assistant District Attorney Herrick appears for the prosecution, and ex-Judge A. J. Dittenhoefer and L. F. Post for the defence.

VERDICT AGAINST THE CITY. Archibald J. Fullerton was in 1871 appointed dep-\$4,000 a year. During the year his salary was raised to \$6,000. He brought suit against the city to recover his salary for eighteen months. The case was tried yesterday before Judge Donohue, in Supreme Court, Circuit, who directed a verdict for \$11,645, being the full amount claimed, with interest, stating that he did so, however, without passing upon the merits of the case, but simply to enable the record to be complete by the introduction of the amounts in the various appropriations still unexpended.

pended.

There was also tried before Judge Donohue yester-day a suit brought against the city by Adam Moser, an attendant in the Marine Court, for \$690 claimed to be due him on account of non-payment of his sai-ary at \$1,500, after being raised from \$1,200, he having accepted the latter amount under protest, and Judge Donohue directed a verdict for the full amount claimed.

A motion was made yesterday before Judge Benedict, in the United States Circuit Court, for a bill of particulars in the case against Altred Gilbert, assistant appraiser, charged with passing goods through the Custom House on false invoices. Decision was

following decisions were handed down:—
Scattergood vs. Wood; Burkitt vs. Harper.—Judgment affirmed, with costs.
The People or rel. Abram F. Daily vs. Walter S.
Livingston.—Judgment reversed and new trial granted, costs to abide event.
In the matter of The People, by the Attorney Genil, vs. the Security Life insurance Company.—Apil dismissed, with costs.

a the matter of Auchmuty and seventeen others.—pleal dismissed, with costs in the Auchmuty case—abide event, and without costs in this Court to either party on the other appeals.

Marvin vs. Marvin.—Motion denied, with \$10 ocuts.

No. 149. Annie F. Curnan, appellant, vs. The Mayor, &c., of New York, respondents.—Argued by W. H. McDougall for appellant and D. J. Dean for respondents.
No. 152, Benjamin Deitz, appellant, vs. John T. Farish, respondent.—Argued by Lewis Sanders and Samuel Hard for appellant and W. Macfarland for

art.—Submitted.
No. 153. William D. Cole and another, appellants,
s. William S. Gausiay and another, respondents. ubmitted.

No. 154. The Irving National Bank of New York, espondent, vs. William S. Alley and another, appelants.—Submitted.

.—Submitted, b. 155. The Mutual Life Insurance Company, of Vest respondent, vs. Camilla Hunt, a lunatic,

WENT TO PIECES.

A STORY OF A BUGGY THAT RECALLS THE

LEGEND OF "THE ONE-HORSE SHAY." terday afternoon, on the complaint of Mr. Nathaniel Jarvis, arrested Thomas Tillman, a colored man, for selling a Brewster top buggy, warranted to be good, but which went to pieces the second day it was driven out. The prisoner was arraigned in the Tombs Court, where Mr. Jarvis' son asked that the Tombs Court, where Mr. Jarvis' son asked that the case be adjourned until to-day so that his father might appear to prosecute the charge. The young man told the following _Ary:—Two months ago his father saw an selvertisement in the paper of the sale of a Brewster top buggy. He went to Tillman's place and purchased it for \$110. Twice he drove out in it—once with Judge Brady, when everything seemed all right, and again by himself, when the whoels came off and the rest of the vehicle tell to places. Justice Morgan, at the young man's request, adjourned the hearing. The charge against the prisoner is obtaining money by false precuess. Tillman was taked to in his cell in the Tombs Prison. He says that he is in the employ of Mr. Geotell, of No. I West Fitteenth street. His employer in October last wishing to seel his buggy, got him to insert an advertisement in the paper. Mr. Jarvis and Judge Brady, and his [Jarvis'] son. The last named, who his father said was a index, said the buggy was worth \$100. The sale was then made, Mr. Jarvis driving off with the other two gentleman. On Thursday Judge Brady canno to him and said that unless he returned, the \$10 ne would be arrested, as the buggy had proved to be a wretched after and had gone to pieces on the road. Tillman then, he said, told Mr. Gootell about it, and the latter told him not to mind what Judge Brady and, He indignantly denies the charge of making false pretences. case be adjourned until to-day so that his father

ASSAULTED WITH A HATCHET.

Weigel Betlier, the owner of a fruit stand, and a resident of No. 153 Elizabeth street, who on Thursday night was arrested for a murderons assault on a customer, as was told in yesterday's Herath, was arraigned in the Jeffarson Market Police Court yesterday morning. Officer Sullivan, who took him into custody, told what was known to the police about the affair. As the victim of the attack was too ill to appear against him Betlier was remanded to await the result of his injuries.

REV. HAYDEN'S

Surgeon Woodward, of the United States Army, as a Blood Expert.

UNMEASURABLE CORPUSCLES

How He Demolished Dr. Treadwell's Theories.

NEW HAVEN, CORD., Dec. 19, 1879. The Hayden trial proceedings to-day were in the nature of a scientific lecture. Blood corpuscles formed the topic, and Surgeon Woodward, of the United States Army, spent the forence in an ex-tended and detailed statement of the progress that has been made in this delicate science, and the various possibilities or impossibilities of identifying the bloods of man and the lower animals microscopical measurements of the size their respective corpuscles. Dr. Treadwell, testified for the State that he had identified blood stains on Hayden's knife and clothing as human blood, by measuring their corpuscies, was present during the day. His pencil jotted notes of hundreds he had his turn upon the witness stand. It was noticeable that Dr. Woodward addressed himself to his scientific rival in the most telling points of his lecture, and in some few instances where it was admitted that Dr. Treadwell's processes were good his face lighted with a smile of an proval. However, as a whole, the tenor of Dr. Wood ward's statements was that, for very many reasons, the identification by size could not be absolutely correct, because of the impracticability of obtaining absolutely correct measurements of objects in the field of a microscope. Some confusion was occasioned by the different systems a measurement used by the two men, Dr. Woodward giving results in decimals of an inch and Dr. Treadwell in common fractions. As the latter had been noted in the lawyers' note books comparisons could not be made without wearying computations. The jury bore the infliction of all this science with resignation; but the majority of them, while making a pretence of attention, preferred to stare out of the windows at the falling snowflakes, or to study the faces of New Haven belles among the spec tators. The seats allotted to visitors were well filled this morning, but thinned out under the scientific deluge, only to fill up again at the afternoon session

this morning, but thinned out under the scientific deluge, only to fill up again at the afternoon session. Surgeon Woodward was held on the stand until the hour of adjournment.

A schap of Testimony Fison Hayden.

At the opening of the court Mr. Jones, for the defence, said that it had been found necessary to interrupt Mr. Hayden's story, as a matter of convenience, to admit the testimony of Surgeon Woodward to controvert the testimony of Dr. Treadwell. Fifteen minutes elapsing and Surgeon Woodward not having come into the court room, it was decided to temporarily recall Mr. Hayden. The accused stepped promptly to the witness stand and continued his story:—When I stopped at the Stannard house the forenoon of the tragedy, I had no further conversation with Benjamin Stevens than I related yesterday; when I finally drove away Mary Stannard was not in sight, but as I neared the spring I met her coming back to the house with a pail of water; the spring is forty rods from the house, but I could not have seen from my carriage, when standing in front of Stannard's, how far she was from the spring, because of a slight turn in the road.

At this point Mr. Watrous, senior counsel for the defence, entered the court room in company with Surgeon Woodward. He ascended the stand, a dignified appearing, spectacied gentlemn, who spoke in a firm and rather sharp tone. After describing his rank and service in the army he said:—"I sim member of the National Academy of Sciences, the American Medical Association, the Philosophical Society of Washington, D. C., the American Ascociation for the Advancement of Science and an honorable minute of the National Academy of Sciences, the American Medical Association, the Philosophical Society of Washington, D. C., the American Society of San Luis de Potosi, Mexico, and various microscopical Societies of England and Beigium, the Microscopic Society of Liverpool, the Norwegian Medical Society, the Quecket Microscopical Club of London, a medical society of San Luis de Potosi, Mexico, and various the Custom House on false invoices. Decision was reserved. The case of James Beyd, 'Indicted in the United States Circuit Court, cristinal branch, charged with sciling counterfait sliver coin, was called yeasarday the ball in the sum of \$3,500 was declared forfeited. His bond men are Levi P. Bishop and Abloin L. Mellon. On application of Mr. Lewis J. Delafield, who owns several lots on the eastern side of the Boulevand, between Sixfy-third and Sixty-fourth streets, Judger Van Vorest, sitting in Supreme Court, Clasmbert, John William of the Forty-second Street, Manhattanville and St. Nicholas Avonue Raifroad Company from attempting to lay tracks in the Boulevard or Broadway any where between Forty-second attent and Manhattantile and St. Nicholas Avonue Raifroad Company from attempting to lay tracks in the Boulevard or Broadway any where between Forty-second attent and Manhattantile and St. Court of General Seasions yesterfaxs by Assistant District Attorney Herring, having been convicted of mani-laughter in the fourth degree on Thursday and remanded for sentence. While driving down the trial that he had beaten the animal after it had sustained an iplury and thus tyred it can be a sustained an iplury and thus tyred it can the following decisions were tapped his horse. The jury found a repulse of the first two shown that Kirchdorfer, after the spray of the following decisions were handed down:—

COURT OF APPRAIS.

Almany, N. Y., Dec. 19, 1870.

In the Court of Appeals to-day, present Hon. Sanford E. Church, Chief Justice, and associates, the following decisions were handed down:—

Scatterpood vs. Wood; Barkitt vs. Harper,—Judgment affirmed, with costs.

**The Pepple or rel. Abram F. Daily vs. Walter S. Livingston.—Judgment reversed and new trial and the device of the second of the second of the second of the following decisions were handed down:—

Scatterpool vs. More of Barkitt vs. Harper,—Judgment affirmed, with costs in the Court of Appeals to-day, present Hon. Sanford of the best of the second of the second of "Now as to sizes generally, Doctor," suggested

the orariations caused by disease are yet an open question.

"Now as to sizes generally, Doctor," suggested Mr. Watrous.

EXPERT VR. EXPERT.

Surgeon Woodward—Between the extremes all measurable sizes exist, varying even to millionths of an inch, the corpuscles in a drop of blood varying as much in size as different men do in a throng. Therefore when you try to get an average from four corpuscles or fifteen corpuscles (and the witness looked significantly through his spectacles at Dr. Treadwell) you cannot do it any more than you can get the average size of men in a throng by measuring a lew of them. Therefore it has happened that scantile men in their investigations do not get results comparing with each other; a noted investigator, Mr. Gulliver, in 1848 stated that the average size of man's corpuscles was 1-3200 of an inch, but Pollus and Frame, French investigators, tound them singhtly larger, and other Frenchmen found them singhtly larger, and other Frenchmen found them smaller; what varies in nature must, of course, vary in the results placed upon p per, continued the witness, who admitted that he had never been able to got the same results from measurements of the cerpuscles in two different drops. Surgeon Woodward now produced a little pamphlet containing a paper written in 1875 for the American Journal of Science, and giving thirteen sets of measurements of human corpuscles; those of each set of 50 were averaged, he said, and the average of the aggregate was 1-3500 of an inch. Continuing he said:—I have since criticised in print these figures of 1875; I shall always criticise my own work where I afterward discover that I may have differed a fraction from the truth; that is what I call true science. And again the witness bent his glance upon Dr. Treadwell with a pleasant smile. Yet I find that many European investigators (names given) now agree with my old figures; but they're all wrong.

"You mean the parties with those awful names?" inquired Mr. Waller.

"Yes, sir." Continuing, Dr. Woodward said that a

Continuing, Dr. Woodward detailed some recent ex-periments. One with forty corpusales of the blood of one of his assistants in the Medical Museum in Washington, showed an average of about 1-303 of an inch. Dr. Woodward proceeding to give further figures, all indecimats of an inch, he was frequently asked to give the measurements in common tractions. A request that he recture his decimals to common fractions was not pressed when he explained that each computation would take from three to five minutes.

ractions was not pressed when he explained that each computation would take from three to five minutes.

Fifty corpuscles of dog's blood, said the Doctor, averaged only one-millionth of an inch from the average of the forty of numan blood above described. Upon the subject of restoring to their normal size for measurement the corpuscles of dried blood, Dr. Woodward said that there were numerous difficulties which tended to prevent accurate work. When restored they are generally smaller than their normal size, and would therefore appear to come within the ranges of the corpuscles of other species; the best restorative is that heavest approaching the serum of the blood, and that is the embryotic fluid surrounding the total calir, glycerine with water gives good results in careful hands. [This is Dr. Treadwell's preference.] The witness hext produced some of Dr. Treadwell's photographs of corpuscles, and, proceeding to criticise them, was checked by an objection that they were not put into the case as evidence, but morely as illustrations of testimony given. After argument the photographs were admitted by the Court.

At the afternoon session (when the court room was again thronged) Dr. Woodward, resuming, criticised the photographs as to their securacy, some of them showing concentric rings around the corpus-

"Do you personally know Dr. Treadwell, of Boston?" what's the object of that?" demanded Mr. Waller, to which Mr. Watrous replied that it was well to know whether this "star of the East" produced by the State was known to witness and to the actentific world. Mr. Waller urged that there should be no question of personal acquaintance or antigonism, but only differences on scientific questions. The question was admitted, and Dr. Woodward replied:—

"I know nothing about Dr. Treadwell, and have seen no published reports of his observations other than newspaper reports of this trial; it may have been my mistortune not to have seen what he has published; in the scientific world we do not regard men as scientists until they have published their observations; a stenographic report of his evidence in this trial was sent to me at Washington."

Q. What do you think of his testimony? A. In my remarks to-day I have criticised and covered every scientific point wherein I think he is wrong; I do not care to criticise any other than his scientific knowledge.

remarks to-day I have criticised and covered every scientific point wherein I think he is wrong; I do not care to criticise any other than his scientific knowledge.

Mr. Waller taking up four of Dr. Treadwell's photographs cross-examined the witness and asked:—"Don't you think these photographs of corpuscles good and indicating careful work?"

"Well, they are good enough, but probably chance results. The others are nothing near as good."

The witness was exhaustively questioned as to the processes of photographing corpuscles, Mr. Waller making a very brilliant and accurate examination on the intricacies of this work. He dwelt at length upon whether or not in a photograph of a circle of fitty corpuscles, for instance, those on the outside of the circle would, by the common law of optics, be photographed larger than those in the centre. Dr. Woodward denied that such was the fact in his own photographed larger than those in the centre. Dr. Woodward denied that such was the fact in his own photographed larger than those in the centre. The witness admitted that such was the fact in his own photographe, whereupon Mr. Waller, taking one, called his attention to the fact that the photographed lines of the micrometer (1,000 to an incb) were larger at the edges of the circle than the centre. The witness admitted that such was the fact as shown.

Q. What diseases do you say, Doctor, affect the size of the corpuscles of human blood, other than anemia? A. A statement is going the rounds of medical literature that all fevers do; however, one of my colleagues has examined the blood of a person who died of yellow fever and found no difference. Surgeon Woodward admitted that fifteen corpuscles discovered by Dr. Treadwell and testified to in this case, were within the range of human blood corpuscles, but qualified his statement by saying that they were also within those of dogs.

"You don't agree absolutely, Doctor, with any of the line of eminent experts of Europe or America who were mentioned this morning?" A. No, sir, for my

until he has published his observations? A. No, sir.
Q. Don't some of the most profuse writers and talkers know the least? A. Oh, yes, sir, in my profession, and in yours. (Great laughter.)
Q. The doctors who attend us and our families write but little? A. That is true.
Q. Because a man belongs to a lot of societies is it proof in itself that he is a great authority on any particular subject? A. It depends on whether he sought membership or it was bestowed on him.
Q. Is it against a man if he is not a member of societies? A. No, sir.
At this point the Court adjourned to Monday next, at half-past ten A. M.
THE WEEK'S RESULTS.

At this point the Court adjourned to Monday next, at halt-past ten A. M.

To-day closes the eleventh week of the trial. Its testimony has been acurious mixture, intermingling that of scientists with that of hard-dated tillers of the soil or "practical" men, as the lawyers know them, in contrast with the men of learning. The defence has made effective progress. The scientists have said that the ovarian tumor with which Mary Stannard was afflicted could not have led her to think, from its symptoms, that she was pregnant. Hence it goes to show that Hayden could not have been prompted to do the deed, if he did it at all, by knowledge of her condition and any fear that the girl would make trouble for him. Other scientists claimed that the blood found near the corpse was less than should have been found if the girl was killed where the corpse lay. This supports the defence's claim that the killing was done claewhere. "Practical men" who were experts in wood piling testified that Hayden's statement that it took him over an hour to pile the wood in his wood lot on the afternoon of the murder (this accounted for his time) was a reasonable one. More accounted for his time) was a reasonable one. More accounted for his time) was a reasonable one. More accounted for his time) was a reasonable one done in the corpuscies is uncertain work, and, lastly, the accused has told a part of his story, and with good effect.

A HIGHWAYMAN SHOT.

HOW A LONG ISLAND FARMER REPULSED A GANG OF DESPER DOES WHO ASSAILED HIM ON THE MYRTLE AVENUE ROAD NEAR JAMAICA.

The highway between the Kings county line and which, twenty years ago, fell into disuse consequent upon the outrages perpetrated there by highwaymen, finally ending in a cold blooded murder, was recently put in order and macadamized at an expense men, finally ending in a cold blooded murder, was recently put in order and macadamized at an expense of over \$60,000 and made a free road. It has ever since been used almost exclusively by farmers going to and returning from the New York markets because of its superior condition and being three miles shorter than that through East New York. Of late it has again been the scene of several highway robberies. It is a very lonesome road, and for the greater part is made gloomy by a thick forest on either side. On Thursday evening, close to half-past seven o'clock, William Horton, a farmer of Valley Stream, while on his way home from Williamsburg, was surprised by three men who sprang out of the wood near the old brick yard between Ellendale and Jamaica. Two of them, as he says, undertook to stop his horses while the other commanded him to stop or he would shoot. Horton had been warned at Ridgewood not to go over the road, and the recent robberies were related to him. The bartender gave him his revolver with five chambers loaded, and Horton started. He carried the pistol in his right hand and fired just as the man told him to stop or he would shoot. The fellow threw up his hands, exclaiming, "Oh, my God!" and fell on the ground. Horton's horses, rightened by the noise, started into a run, and he did not permit them to settle down until he had reached Richmond Hill. At the hotel in Jamaica he told the story of the shooting, and a party of men who went to the ground, thinking they might find the highwayman, found instead a pool of blood, which was still visible yesterday when the snow melted. Horton would have been the sixth victim within two weeks had they succeeded in relieving him of the \$50 which he carried. Beobberies of a different character have been so frequent in Newtown of tate that it is thought a gang of thieves have a rendezvous somewhere in the towu.

CONVICTED OF MALPRACTICE.

REMARKABLE SCENE IN THE COURT OF GEN-

ERAL SESSIONS. A scene occurred in the Court of General Sessions yesterday afternoon; after the summing up of counsel, when the jury empannelled to try the case of Dr. William Fayen, of No. 79 Seventh street, jointly indicted with Madame Christina Eckhardt, o No. 34 Stanton street, for having committed mal-No. 34 Stanton street, for having committed malpractice on Minnie Pape, of No. 255 Atlantic avenue, Brooklyn, brought in a verdict of guilty. The accused, who is a ruddy faced, middle aged man, with gold spectaoles, and altogether a respectable looking person, utterly collapsed when the result of the jury's investigation was announced. He scanned the twolve men closely as they filed into their scats, and the crowded court room was hushed in silence. "Have you agreed upon a verdict, gentlemen?" asked Mr. Hall, the cierk.

"We have," said the foreman.
"How say you—do you find the prisoner guilty or not guilty?"

"We find the prisoner guilty," replied the foreman.

man.

Just then the prisoner's color began to fade and
line sheets which were rosy, assumed a pallid hue. Just then the prisoner's color began to fade and his cheeks, which were rosy, assumed a pallid hue. He shook from side to side and finally tell to the ground with a heavy thud. For a moment a feeling of consternation prevailed in court, it being thought generally that the prisoner had gone into convulsions. Nor was this feeling lessened by the fact that his wife, who was sitting in the enclosure set apart for women fainted when the decision of the jury was given. To both the prisoner and his wife the officers of the Court promptly rendered assistance, and in a short time both were comparatively restored. Mrs. Fayen left her seat and embraced her husband in a most endearing manner, giving vent to her expressions of grief in the German tongue. A greater change in face, expression or physical condition perchaps never occurred in a court of justice at the conclusion of a trial. Dr. Fayen was colorless, glassy in look and limp, nor could the earnest exertion of the friends who sat beside him arouse him to a sense of his position. After a while he gazed vacantly through the windows, but little could be seen, as it was now dusk. During the whole trial the prisoner seemed to be pretty confident of acquittal. He utterly collapsed, however, when the jury rendered their verdict and when Assistant District Attorney Bell uttered the ominous words, "I now move for sentence." It was a long time before the accused could be composed, and, on motion of Mr. John O. Mott, he was remanded for sentence until Monday.

BURNED TO DEATH.

About one o'clock yesterday morning a small and very old house at Ashamamogue, one and a half miles from Greenport, L. I., was burned to the ground. The inmates, Edward King, aget seventy? seven years, and his sister, the widow of Jonathan Miller, aged eighty years, perished in the flames. They had lived in the house all their lives, and were born in it. King had been very ill of late, and it is supposed that his sister, incling him in distress or dead, tainted, and the kerosene lamp exploding set her clothing and the house on fire. KINGS COUNTY SURROGATESHIP.

FUL INCUMBENT BY THE COURT OF APPEALS AND ABBAM H. DAILEY OUSTED-THE DECIS-ION OF THE LOCAL COURT REVERSED.

There was a veritable political bombshell dropped into the official camp in Brooklyn yesterday upon the receipt of a telegram from the Clerk of the Court of Appeals which read as follows:—

The People ex rei. Abram H. Dailoy vs. Walter L. Liv-ingston.—Judgment reversed and a new trial granted; costs to ablide event.

The effect of the decision is to displace from office

Surrogate Dailey, who has for two years and six months discharged the duties of the re-sponsible office in question, and to rein-state Mr. Livingston, who holds the certificate of election, which was accorded to him by the Kings County Board of Canvassers. Mr. Livingston was the nominee, in the fall of 1876, of the independent democratic party of Kings county for the office of Surrogate, and his nomination was indorsed by the Republican County Convention. The election was held on November 6 and When the case came before the canvassers it was found that many of the returns from the various election districts were incorrect, and there were al-legations of fraud. Mr. Dailey, through his counsel, asked that certain returns be rejected on their face as inaccurate. The canvassers, however, con-tended that they could not go behind the

face of the returns, and they therefore gave the certificate of election to Mr. Livingston. His mipority was given by the canvassers as 28. Mr. Dailey, who was the regular democratic candidate for the office, received information from certain districts which he deemed sufficient evidence to convince him that he had been detrauded out of ballots to which he was justly entitled. He therefore determined to conteat the right of Mr. Livingston to hold the office. From the Supreme Court he obtained awit of que warranto in March, 1877, and then brought suit to test the validity of Mr. Livingston's election. The latter gentleman, who is, like Mr. Dailey, a lawyer, entered upon the discharge of his utities on January 1, 1877, and appointed a full corps of clerks and court officers.

MI. DAILEY'S APPEAL.

On April 20, of that year, the case came up for trial before Justice Gilbert and a jury in the Supreme Court. General Benjamin F. Tracy appeared as counsel for Dailey, and ex-Judge Morrys, Thomas E. Pearsall and N. H. Clements represented the interests of Livingston. A large number of ballot boxes, all of which had been kept since the previous election under close police surveillance at Headquarters, were brought into court on the trial and the contents thereof counted by tellers who were duly appointed by the Court for flat pirpose. The prosecution claimed, after the count had been made, that they had shown a majority of over one hundred for Dailey. The question as its whether subtified or Dailey. The question as its whether subtified for Dailey. The question as its whother paid ingent in behalf of the latter was the reuponicated on May 12. The same day a writ of "ounster" was obtained by the successful candidate against Surgosto Livingston, upon presentation of which the latter surrendered the custody of the office. The Livingston then took the case before the Supreme Court for nother than the product of the peace some years ago, was interviewed upon the subject of the remais of the promotion of the Court of Appeals r

Dailey and the onus of proving that they had not been tampered with was not on Livingston. The decision is concurred in by all the Judges of the Court of Appeals. The effect of the decision as to the reinstatement of Livingston was not considered by the Court. The new trial of the case cannot be held until the February term of the case cannot be held until the February term of does not in any manner whatever affect the legality of the official acts of Surrogate Dailey. It is no known, however, whether Mr. Livingston can recover back pay for the time he has been out of office

SANDY HOOK BAR.

WHAT IS THOUGHT OF MR. MULLER'S BILL FOR A NEW SHIP CANAL - CIVIL ENGINEER KNAPP'S

Mr. Nash, secretary of the Board of Pilot Commis sioners, was asked yesterday by a reporter of the HEBALD as to whether any action was proposed to be taken by the Commissioners in reference to the bill introduced in Congress by Mr. Mulier giving power to "create a permanently deep, wide and straight channel through the Sandy Hook Bar of the port of New York for the purpose of forming an improved commercial outlet."

"The Commissioners have not done anything yet."

any action being taken by us. All that we know is that a bill has been introduced. It must be sent before a committee, and that committee would naturally communicate with us when they take it up for consideration. Of course I am not in a position to say what the action of the Board would be. My present knowledge leads me to the belief that the proposal would not be regarded with favor." "Have the Commissioners considered the matte

in any way?" "Not formally. The project is not by any mean a new one. It has been before the community several years, and there has been abundance of time for coming to some conclusion about it. I think the Board would be guided very much by the opinion of

Board would be guided very much by the opinion of General Newton, who has had the matter under consideration, and, I think, is now in a position to advise the Commissioners as to their action."

"What do you gather as the judgment of engineers and pilots regarding the project?"

"I don't process to be an engineer, and don't desire to be quoted as expressing any opinion. I can only tell you what I hear. I do know that Mr. Henry F. Knapp, a civil engineer, delivered an address on this subject before the Produce Exchange in October, 1878. That address was printed in pamphlet form. The Produce Exchange indorsed it in a very qualified and general manner, merely saying that the gain of one foot in the Swash Channel would be an advantage. As a layman my idea is that a channel that is to be only 500 feet wide is not wide enough for many of the steamers that are 450 feet long to turn round in. Mr. Knapp was unable to obtain the inforsement of the Chamber of Commerce. In November of this year he addressed a letter to the Priot Commissioners asking them to afford him an opportunity of explaining his scheme, but the Commissioners replied that with their present knowledge they were not in a position to accept his proposition."

ent knowledge they were not in a position to accept his proposition."

A POPULAR EXPLANATION.

"Can you give a general idea of the scheme as the Pilot Commassioners understand it?"

"What we understand Mr. Knapp to propose, using popular and not scientific language, is this:—To sink on the sixty feet curve, ourside the harbor, a submerged wail of stone, over which thirty-five feet of water is to pass. It is claimed that this wall will keep back the oceans of that it will not check the outflow of the Hudson River, which brings down with the current the silt from its own bed, and, meeting the ocean, deposits this silt in the form of a bar. The sait water being kept back by the wail, the current water will pass over into the ocean without check, carrying the silt with it, and a deep, wide channel will be preduced. That, I think, is very much as Mr. Knapp puts it."

"What are said to be the objections to this plan?"

"I don't know that there are any actual objections. The Commissioners think that the work is unnecessary; that the action of the screws of the propeller stoamship has the effect of deepening the channels. I think all engineers agree it is very likely that the advantages described by Mr. Knapp would be obtained at first. But, as General Newton says, 'the

old ocean will have its way in the course of time.' The walls which would keep back the said and other solid substances stirred up by the ocean. This would gradually, but certainly, settle down outside the wall, and although it might take years, would in the top of the submerged wall and extending far out to sea. That would form a bar across the whole mouth of the harbor. The sea would rush over this with redoubled force in consequence of the obstruction, would carry the solid substances into the new channel made by the wall and fill it up so rapidly that the slant would extend from the present bar far out to sea and at a higher elevation. Those, I think, are the objections that have been urged by General Newton. If anybody wants to have an idea of now easily sand may form in the ocean let him go down to the new iron pier at Coney Island. He will see on each side of that pier quite a bank of sand steadily forming. If General Newton is right and such a bar should form, why, there is not money enough in New York Constitute. B. DELA YERONE—CHIRD.—December 18, at the residence of Charles Gagnebin, by Rev. L. W. Bancroft, D. D., Geomor E. Hooke, Gagnebin, by Rev. L. W. Bancroft, D. D., Geomor E. Hooke, Augusta to have an idea of now easily sand may form in the ocean let him go down to the new iron pier at Coney Island. He will see on each side of that pier quite a bank of sand steadily forming. If General Newton is right and such a bar should form, why, there is not money enough in New York of the wall.

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CUBA'S STRUGGLE.

RECENT MOVEMENTS OF THE REVOLUTIONISTS IN THE EVER FAITHFUL ISLE AND THEIR PLANS FOR THE PUTURE-INTERVIEW WITH

GENERAL CALIXTO GARCIA. Among the passengers by the steamship Atlas, which arrived yesterday at this port from Jamaica. was General Calixto Garcia Yfliguez, chairman of the Cuban General Revolutionary Committee in this country. A HERALD reporter who called upon him at his headquarters yesterday had the subjoined

interview with him:"I have called," said the reporter, "to ascertain any facts you may possess in connection with the war in Cuba. Have you had any direct communi-

cation with Cuba Libre?"
"Yes, a few days before leaving Jamaica Major Gutierrez, who conducted the late expedition to Cuba, consisting of General Benitez and several other officers, with a large instalment of ammunition, returned in safety, having met with full suc-

other officers, with a large instalment of ammunition, returned in safety, having met with full success. He and his party were met by a squad of our men, posted conveniently by a previous arrangement, and conveyed to the headquarters of Brigadier General Masco, Jr., who has nearly two thousand men, nearly all well armed, composed of whites and blacks, in perfect harmony and in splendid condition. From theme Gaueral Benitez took an escort of fitty men, volunteers, to proceed into Camaguey, where several hundred patriots were eagerly awaiting his advent to take the field. Despatches arrived from Benitez betore Major Gutterrez's departure, stating the success of the uprising throughout Camaguey, as well as the pronunclamento in Remedios and the invasion of Las Ciffeo Villas by Brigadier Generals Masetre, Gomez and Sanchez, who took advantage of the defenceless state of the territory, since all the available Spanish army was concentrated in the eastern province.

"He brings confirmation of the disastrous defeat of the enemy at Barrancas under Valera, the loas of the mititary train under Colouel Ayuso, and his capture and execution by the sentence of a court martial for scola-blooded assassination of non-combatants while Governor of Colon. He aise had news of the signal failure of the combined Spanish attack upon El Masio, where General Moncads was intrenched with the three field pieces taken at Barrancas from Valera-Polaviega, who was to have supported Daban with 1,209 men from Mayarez, was met by General Macco, Jr., outflanked, defeated and pursued, while the last named officer's main force rejoined Moncada at Masio and contributed to the repulse of Daban, who made the attack unassisted and lost heavily. The extent of the losses could not be ascertained, as he carried his dead and wounded on the retreat upon Palue Soriano, the nearest post offering him shelter. Our ultimate success is only a question of time, and a very shore period at that, as all the natives are a unit now, including the colored people, who bid

fair to be an important factor in the achievement of independence.

CANNOT HE CONQUERED.

"Spain may do her best, but she cannot conquer the youthful army of patriots reared in the woods through the last war, witnessee of the fleadish and bloody strocties perpetrated by the Spaniah forces, and who thirst to avenge the victims, among whom many had near blood relatives or friends. The chasm of blood between us and the Spaniards is too wide and deep for bridging."

"Do you not fear the ascendancy of the colored people?"

"No, because the whites outnumber the colored people, and while not discriminating against them as a class, yet, by means of superior intelligence, hold a wholesome ascendancy at least in public affairs. In everything else both races are equal, civiliy and socially, with only the line drawn by education in social intercourse."

"Where are the leaders not yet in Cuba?"

"Some are engaged doing good work preparatory to running the blockade, as we all intend to do ere many weeks elapse. Generals C. Gonzales and Bonachea are expected here shortly. As to General Maximo Gomez, Vicente Garcia and others I forbear to say anything at present, but all will be heard from in due time at the post of duty."

"Is there any thought of organizing a provisional government?"

"The subject is under consideration, but I doubt

government?"

"The subject is under consideration, but I doubt if anything definite will be done until after we are all there, when the public in this country shall be in good time informed of its formation, as we shall have regular official reports sent regularly after the opening of the new year."

QUARRELLED ABOUT A PARTRIDGE

ORIGIN OF A LITTLE DIFFERENCE BETWEEN TWO

LOCAL POLITICIANS. curring between Ambrose H. Purdy, of the Twenty-third ward, and George Hall, of the Board of Aldermen, have now been fully set forth, and the truth as nearly as can be ascertained is as follows:—Mr. Purdy, on the 16th of this month, entered the restaurant of Hollender & Co., under the Staats-Zeitung Building, intent on appearing his hunger. He seated himself at an unoccupied table, and the first appetiz-ing morsel that attracted his attention was set forth lows:-"% Roast Partridge, 50c." Mr. Purdy immediately asked to be served with

that dish. In a few moments the alleged partridge was brought and Mr. Purdy proceeded to discuss it. The most appetizing morsel was a portion of breast, which he attacked, having, as he states, first severed the leg and second joint from its proper position on the body. The breast had been entirely devoured, when Alderman George Hall came on the scene and salutations passed between him and Mr. Purdy. Two beers were called for and highly relished. Mr. Hall then said, "What are you eating, Purdy?"

Mr. Purdy replied laconically:—"Partridge, Try some?" at the same time offering the Alderman the severed leg. The Alderman seized the limb by the lower extremity, and, after a struggle, succeeded in detaching a small portion. Gazing on the mutilated member he looked at Mr. Purdy in a "bewildered sort of vay and asked—"What did you call this?"

"Partridge," said Purdy.

"So I do," said Hall, "I always thought you knew what partridge was."

"So I do," said Purdy, "and I'll bet you \$50 it's partridge." said Purdy, "and I'll bet you \$50 it's partridge." that dish. In a few moments the alleged partridge

what partridge was."

"So I do," said Furdy, "and I'll bet you \$50 it's partridge."

"Done," said Hall, and in less than a minute \$100 was reposing on the table, with a beer mug resting on it to act as stakeholder. Mr. Purdy immediately called the waiter. Mr. Hall refused to abide by his decision. The chef was sent for, and hearing that \$100 awated his edict, that official proceeded to state:—"Hoze of ye gentlemen are right. Ze breast is of ze purtreedge, ze log is of a leetle hen."

Upon hearing this the Alderman soized the stakes, and said. "The money is mine."

It seems that Mr. Purdy and Mr. Hall had occupied, and still do, the position of lawyer and client, and Mr. Purdy supposed that his client took this method of paying him \$50, as he (Mr. Purdy) knew that he was betting on a sure thing, while the client relied simply on his gaatronomic acumen and the integrity of his paiate, and not at all on the bill of fare. Mr. Purdy intends to bring a suit for the recovery of the sums of money involved and damages besides. An interview with the chef at Hollender & Co.'s last evening brings out the fact that while he was carving the portion of partridge on the "steam table," a leg of what he calls a "hazel hen" "hopped" on the dash from the next pan and was allowed to remain, as it made the portion look better. The chef had bought of an ittnerant vender ten pairs of birds, four of which were partridges and six "hazel hens."

THE RUCKMAN DIVORCE SUIT.

The trial of the suit for limited divorce brought by Mrs. Margaret Ruckman against her husband, Elisha Ruckman, was concluded yesterday before Judge Barrett, in Supreme Court, Special Term. During the further cross-examination of Mr. Ruckman he admitted having been convicted of poisoning cattle found straying on grounds belouging to him in New Jersey, but denied emphatically that he had pomoned them; he was sentenced to pay a fine and to imprisonment, but was not imprisoned. Mr. John Baylan testified that he called on Mrs. Ruckman, at the house of Mrs. Roberts, in this city, where she is now boarding, at the request of her husband, to induce her to return to him. He said he told her that Mr. Ruckman felt very kipdly disposed toward her, and would leave her more than she would ever get by going to law; she reterred him to her lawyers, but he did not pursue the matter any further. Mrs. Ruckman was called in rebuttal of some of the statements made by Mr. Ruckman, and at the conclusion of her testimony the counsel summed up. Judge Barrett, in Supreme Court, Special Term.

MARRIAGES AND DEATHS.

MARRIED.

BACKHOUSE—GARRISON.—On Thursday, December 18, at the residence of the bride's parents, Tom's River, N. J., by the Rev. John Hancock, Geomes BACKHOUSE to Addre. daughter of James Garrison, sq. hovp-Proppow.-On Thursday, 18th inst., by the

December 21, at one P. M.; theses tery.

BEIDELMANN.—Entered into rest Friday morning, 19th inst., at his residence, 57 Sands st., Brooklyn, OLIVER T. BEIDELMANN.

Funeral services will be held at the house, at two o'clock Sunday afternoon. Relatives and friends are invited to attend. Interment at Morristown, N. J. CAMPBELL.—MARY A. CAMPBELL, wife of Charles J. Campbell.

Funeral services will be held on Saturday, December 20. at Covenant Chapel, 42d st., cast of 2d av., at her 20. at Covenant Chapel, 42d st., cast of 2d av., at

CAMPBELL.—MARY A. CAMPBELL, wife of Charles
J. Campbell.
Funeral services will be held on Saturday, December 20, at Covenant Chapel, 42d st., east of 2d av., at one P. M. Relatives and friends are myited to attend, also members of Plymouth Rock Lodge, 374, I. O. O. F.
CARROLL.—JOHN A. CAMBOLL, a graduate of the New York Institution for the Blind, aged 26 years.
Funeral on Sunday, at one P. M., from 137 Sunfolk st., New York city.
Chatham (N. Y.) papers please copy.
Chark.—Entered into rest, December 19, ANNA Bleeckers, wife of late S. W. Clark, of Albany.
Funeral services on Sunday, 21st inst., at three P. M., at her late residence, 71 West 11th at. Bemains will be taken to Albany for burial.
Colquitt.—On Wednesday, December 17, 1879, Samay Vinginia, wife of the late John H. Colquitt and daughter of the late Philip Woodhouse.
Relatives and friends are invited to attend the funeral from her late residence, 108 West 45th st., on Saturday the 20th inst., at hall-past ten A. M.
CONE.—Suddenly, on Friday morning, R. C. CONE,
M. D., in the 69th year of his age.
Relatives and friends are invited to attend the funeral services, on Monday, 22d inst., at eleven o'clock A. M., at his late residence, No. 120 East 10th st., without further notice. Interment at Durham, N. Y.
CONNOLLY.—On Thursday, December 18, Mary Crow-Lix.—On Thursday, December 18, Mary Crow-Lix, in the 60th year of her age, mother of Daniel F. and Jeremial Crowley.

Her remains will be taken from her late residence, 109 Attorney st., on Monday, December 12, at half-past the work.—On Thursday, December 18, Mary Crow-Lix, in the 60th year of her age, mother of Daniel F. and Jeremial Crowley.

Her remains will be taken from her late residence, 109 Attorney st., on Monday, December 18, Mary Crow-Lix, in the 60th year of her age, mother of Daniel F. and Jeremial Crowley.

Her remains will be taken from ther her stablence, 354 West 44th st., Officer Michael A. M. Thursday, December 18, Mary Crow-Lix, where a require high mass will be celebrated for the repose o

Funeral from the residence of his parents, 221 Sullivan st., on Sunday, December 21, at two o'clock P. M.

FAUROT.—At Fort Montgomery. M. Y., Captain Isaac Fauror, in the 91st year of his age.
Funeral from his lato residence, Sunday, at one o'clock P. M.
Fowher.—At Metuchen, N. J., Thursday, December 18, Susax, wife of Stephen T. Fowler, in the 65th year of her age.

Relatives and friends of the family are respectfully invited to attend the funeral, at her late residence, on Monday December 22, at half-past one P. M. Carriages will be in waiting for train that leaves Desbrosses and Cortlands street ferries at 11 o'clock by Pennsylvania Railrosd.

Portland (Mc.) and Boston papers please copy.
Gallaher.—Suddenly, on Thursday, December 18, Anna M. Gallaher.
Relatives and friends of the family are invited to attend the funeral, from the residence of her daughter, Mrs. A. M. Rogers, 341 West 55th st., on Sunday, at one o'clock P. M.

BEREYY.—Suddenly, on Friday, December 19, GEORGE F. GEREYY, age 24 years.

Funeral will take place to-day from St. Luke's Hospital, 54th st. and 5th av., at two P. M.

GERMOND.—On Friday, 19th inst., Miss S. JEAN-METTE GERMOND.

Relatives and friends are invited to attend the funeral, from her late residence, 159 Clinton st., on Sunday, 21st inst., at half-past one P. M.

HARRIMAN.—At Irvington, on Friday, December 19, of pneumonia, Frank, son of Charles and Sarah F.

HARRIMAN.—At Irvington, on Friday, December 19, of pneumonia, Frank, son of Charles and Sarah F.

HARRIMAN.—At Irvington of the family are invited to attend the funeral, from her late residence, 159 Clinton st., on Sunday, 21st inst., at half-past one P. M.

HARRIMAN.—At Irvington, on Friday, December 19, of pneumonia, from her late residence, 159 Clinton st., on Sunday, December 22, at half-past two.

HARP.—At Hoboken, N. J., on Thursday, December 18, Mrs. Susax Nouth, wife of William C. Harp.

Relatives and friends are invited to attend the funeral, at the Church of the Transfiguration, East 29th st., on Monday, December

JAMES.—On the 14th inst., Rose B., widow of the late Albert James, Sr., daughter of the late John and Rosane Brulté.
Funeral on Monday morning, at half-past eight o'clock, from her late residence, No. 1,522 South 5th st., Philadelphia.
KAVANAGH.—On December 18, KATIE KERRIGAN, beloved wife of Luke Kavanagh, aged 37 years, 6 months.

KAYANAGH.—On December 18, MATER REBRIGGER, beloved wife of Luke Kayanagh, aged 37 years, 6 months.

Relatives and friends of her family, also her brother-in-law, Hugh Murray, are invited to attend the tuneral, from her residence, 510½ Pearl st., on Sunday, 21st, at ten o'clock.

May her soul rest in peace.

Kelley.—On Friday morning, 19th inst., of Bright's disease of the kidneys, EMMA JOSEPHINE, wife of Frederick M. Kelley, in the 48th year of her

wite of Frederick M. Kelley, in the 48th year of her age.

Relatives and friends are respectfully invited to attend the funeral, from her late residence, No. 153 West 45th st., on Sunday afternoon, at three o'clock. The remains will be taken to Carmel, Putnam county, for interment on Monday morning.

KNAPP.—On Wednesday, December 17, KATE LOUISA KNAPP, daughter of Maria M. and the late W. K. Knapp.

RNAPP, daughter of Maria M. and the late W. L.
Knapp.

Relatives and friends are invited to attend the
flowers be residence of her brother-in-law,
Harry B. Hollins, 110 East 17th st., on Saturday,
December 20, at half-past nine o'clock. It is requested
that no flowers be sent.

MAUJER.—In Brooklyn, December 17, ELIZA SLOV,
widow of Charles Maujer, in the 80th year of her
age.

MAUJER.—In Brocklyn, December II, ELIZA SLOV, widow of Charles Maujer, in the Suth year of her age.

Reintives and friends are respectfully invited to attend her funeral, from her late residence, No. 524 Grand st., Brocklyn, E. D., on Saturday, 20th instatitute, M. No flowers.

MINER.—On December 18, 1879, at the residence of his parents, 259 East 7th street, Gronor Bayann, youngest son of John D. and Jane Miner, aged 1 year and 7 days.

McGowan.—On Thursday, December 18, Mart E., eldest daughter of Thomas and Margaret McGowan, aged 3 years and 8 days.

Funeral from the residence of her parents, 417 West 26th, Saturday, December 20, inst., at two P. M. McKenna.—In this city, on Thursday, December 18, Francis A. McKenna, aged 58 years.

Relatives and friends are respectfully invited to attend the funeral, on Sanday, December 21, at Masonic Temple, corner 23d st. and 6th av., at half-past one P. M.

Members of Continental Lodge, No. 287, F. and A. M., are hereby summoned to attend the funeral of Brother Francis A. McKenna, on Sunday, December 21, at half-past one P. M., at Masonic Temple, Grand Lodge Room.

JOHN E. FLAGLER, Master.

Herman G. Carter, Secretary,
McLoughin.—On Thursday, December 18, 1879, Jenniz McLoughin. aged 11 years, 5 months and 5 days.

Relatives and friends are respectfully invited to

JENNIE McLoughill, aged II years, 5 months and 5 days.

Relatives and friends are respectfully invited to attend the funeral, from the residence of her brother James, No. 55 lst st., on Saturday, December 20, 1879, at one o'clock.

-Suddenly, Thursday morning, Mrs. Com

1879, at one o'clock.

Nousse,—Suddenly, Thursday morning, Mrs. Come
8. Nourses.

Funeral from Dutch Reformed Church, 1224 st.
and 3d av., Harlom, Monday next, ten A. M., Dr.
Deems officiating. Friends respectfully invited.
Roeman,—Suddenly, December 18, at Flushing, L.
L. Symilla M., beloved wife of Major Jacob Roemer,
in the 63th year of her age.

Eclatives and triends of the family are invited to
attend the funeral, from her late residence, Linden
av., Flushing, L. L., on Sunday, the 21st inst., at two
P. M.; trains leave Long Island City for Fushing at
10:35 A. M. and 1:35 P. M.

SCOTT.—In New York city, on December 19, 1879,
GENIO C. SCOTT, Eaq., aged 73 years.

Notice of funeral to-morrow.

SNOW.—At West Morrisania, on Tuesday, December
16, MATHIDA SNOW.

Relatives and friends are respectfully invited to
attend the funeral, from St. George's Church, Stuyvesant square, on Saturday morning, at ten o'clock,
without further notice.

Tann.—On Wednesday. December 17, Louisa S.
Tann, widow of Frederick Tarr, late of the city of
New York, in the 77th year of her age.

Relatives and friends are respectfully invited to
attend the funeral, from the residence of her son-inlaw, Francis L. Dallon, 91 Quincy st., Brooklyn, on
Sunday, December 21, three o'clock P. M.

Van Horsen,—December 18, 1879, Marrina, wife of
A. H. Van Hoesen, 739 Van Buren st., Brooklyn,
Funeral at Trimit Baptist Church, corner Groene
and Patchen avs., Brooklyn, at three P. M. on Sunday, December 21.

Wordseter.—After a short illness, Jemma C.,
widow of the late John Worcester, of Albany, aged
72, years.

Relatives and friends are invited to attend the
funeral, from the Church of the Holy Communion,
6th av. and 20th st., on Sunday, at a quarter to one
P. M.